

## **REMARKS**

### **Status of the Claims**

Claims 1-30 are now present in this application. Claims 1, 6-7, 9-11, 15-16, 22-24 and 30 are independent.

Claims 23, 24 and 30 have been amended and claims 1-22 have been withdrawn from consideration. Reconsideration of this application, as amended, is respectfully requested.

### **Examiner Interview**

Applicants wish to thank the Examiner for the courtesies extended to Applicants' representative during the personal interview which was conducted on December 7, 2011. An Examiner Interview Summary was made of record as Paper No. 20111207. During the interview, the claimed invention and the differences from the applied references (Tajiri, Gress and Itou) were discussed. Also, proposed claim amendments were discussed. The Examiner agreed that the proposed claim amendments appear to further distinguish the claimed invention from the applied references. However, the Examiner stated that a further review of the references is necessary to confirm that the proposed claim amendments define over the applied references. The claims have been amended in the manner discussed during the interview, and are believed to place the application into condition for allowance. Accordingly, reconsideration and allowance of the present application are respectfully requested.

### **Claim Objection**

The Examiner has objected to claim 24 because of an informality. In order to overcome this objection, Applicants have amended claim 24 as suggested by the Examiner. Reconsideration and withdrawal of this objection are respectfully requested.

### **Rejection under 35 U.S.C. § 101**

Claim 30 stands rejected under 35 U.S.C. § 101. This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, claim 30 has been amended to add the recitation

of “non-transitory” as suggested by the Examiner. Applicants respectfully submit that claim 30 as amended is directed to statutory subject matter. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

### **Rejections under 35 U.S.C. § 103**

Claims 23-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tajiri, et al., U.S. Patent No. 6,482,092 B1 (hereinafter “Tajiri”) in view of Gress, U.S. Patent Publication No. 2005/0151320 A1 (hereinafter “Gress”), and further in view of Itou et al. (U.S. Patent No. 6,354,940; hereinafter “Itou”). This rejection is respectfully traversed.

A complete discussion of the Examiner’s rejection is set forth in the Office Action, and is not being repeated here.

For a rejection under 35 U.S.C. § 103 to be proper, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First there must be some rationale to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element.

Independent claim 23 as amended recites, *inter alia*,

A game machine comprising a plurality of client devices and a server device which transmits and receives data to and from each of said client devices, and performing a multiplayer competition game in which a plurality of players compete for characters, wherein...

said server device comprises...

a game performing unit for performing a multiplayer competition game in which an offensive of one party causes a total physical strength value of the other party to become a value equal to or lower than a predetermined value and thereby determines a winner and a loser at a plurality of client devices, using said data representing said formed party,

wherein **said game performing unit transfers the data** which is stored in association with said client device of a side defeated in said competition and **which represents any one of the characters configuring said party**, together with its remaining number of times available, **and stores said data and said remaining number of times available in association with said client device**

**of the side which wins said competition, said transferred character having a physical strength value that decreases when receiving an offensive for each of said transferred remaining number of times available.**

(emphasis added).

Each of independent claims 24 and 30 as amended recites similar features as claim 23 above. Therefore, it is respectfully submitted that the following remarks discussed with respect to claim 23 also apply to claims 24 and 30.

Accordingly, claim 23 specifies that a game performing unit of a server transfers the possession of a character forming a party and the remaining number of times available from a client device of a losing party to a client device of the winning party in accordance with the outcome of the competition. More specifically, the game performing unit of the server allows the winning party to receive from the losing party a transferred character, which has a physical strength value that decreases when receiving an offensive for each of the transferred remaining number of times available.

Page 5, line 13 to page 6, line 2 of the Office Action note that Tajiri fails to disclose the game performing unit that transfers the possession of a character forming a party and the remaining number of times available from losing party to a winning party as claimed. Furthermore, Tajiri also fails to disclose that the transferred character has a physical strength value that decreases when receiving an offensive for each of the transferred remaining number of times available as claimed.

Moreover, Itou merely describes a command called “draw” that robs an opponent’s ability and a remaining number of times of usage of the ability. Specifically, col. 5, lines 13-17 and Figure 3 of Itou disclose that one of the abilities that can be robbed is summoning a beast to fight in place of player character.

Assuming the Office Action is alleging that the ability of summoning a beast (which can be robbed by a player from an enemy) corresponds to the transferred character as claimed. However, the summoned beast in Itou is NOT a transferred character that has a physical strength value that decreases when receiving an offensive for each of the transferred remaining number of times available as claimed. Therefore, the ability of summoning a beast in Itou cannot, and does not, correspond to the claimed transferred character as claimed.

Thus, similarly to Tajiri, Itou also fails to disclose, “wherein **said game performing unit transfers the data** which is stored in association with said client device of a side defeated in said competition and **which represents any one of the characters configuring said party**, together with its remaining number of times available, **and stores said data and said remaining number of times available in association with said client device of the side which wins said competition, said transferred character having a physical strength value that decreases when receiving an offensive for each of said transferred remaining number of times available**” as claimed.

Gress has not been, and indeed cannot be, relied upon to make up for the deficiency of Tajiri and Itou.

In view of the amendments and remarks above with respect to claims 23, 24 and 30, it is respectfully submitted that the combination of Tajiri, Gress and Itou (assuming they can be combined, which Applicants do not admit) fails to establish *prima facie* obviousness.

As claims 25-29 depend from claim 23, it is respectfully submitted that these claims are also patentable for at least their dependency.

Accordingly, reconsideration and withdrawal of the rejection of claims 23-30 are respectfully requested.

### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant(s) therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

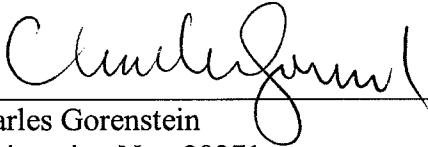
In view of the above amendment, Applicant(s) believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Dennis Powei Chen, Registration No. 61,767, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

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